

REPORT OF INVESTIGATION

HSV-7 MELBOURNE - 'FX THE SERIES' - 14 JANUARY 1998 VIOLENCE IN A 'PG' CLASSIFIED PROGRAM

File No. 98/0184

Complaint No. 10100

Investigation No. 547

INTRODUCTION

On 16 February 1998 the Australian Broadcasting Authority ('the ABA') received a written unresolved complaint in relation to an episode of the action/drama series 'FX The Series', classified 'PG' and broadcast by Melbourne commercial television station HSV-7 at 7.30pm on 14 January 1998. The licensee of HSV-7 is HSV Channel 7 Pty Ltd. The complainant alleged that this episode contained a scene of gratuitous violence and was broadcast at an inappropriate time.

The complainant made a written complaint to the station about program but was dissatisfied with that station's response. The complainant then referred the matter to the ABA.

In response to these complaints the ABA sought written comments and a tape of the episode in question from the Seven Network Ltd, on behalf of the licensee.

LEGISLATIVE FRAMEWORK

Section 123 of the Act requires that each industry sector develop codes of practice relating to program content issues and complaints handling processes. The commercial television broadcasting sector registered its codes of practice with the ABA in September 1993.

Under section 148 of the *Broadcasting Services Act 1992* ('the Act'), if a person has made a complaint to a broadcaster about a matter that is covered by a code of practice, and if that person has not received a response within 60 days, or if they are dissatisfied with the response they have received, then that person is entitled to refer their complaint to the ABA.

Section 149 of the Act requires the ABA to investigate complaints referred to it in these ways, unless it is satisfied that the complaint is frivolous, vexatious or not made in good faith.

RELEVANT CODES OF PRACTICE

The ABA was satisfied that the complaint regarding 'FX The Series' was made in accordance with the abovementioned requirements of the Act and therefore commenced an investigation into the matter.

The program in question was assessed against section 2.12 of the Commercial Television Industry Code of Practice ('the Code'), which deals with programs classified 'PG' and states, in part:

2.12 Material classified "PG" may contain adult themes or concepts but must remain suitable for children to watch under the guidance of a parent or guardian.

2.12.1 **Violence:** Any violence depicted must be inexplicit, discreet or stylised and appropriate to the story line or program context. No overly realistic, bloody or horrific depictions of violence are permitted.

Section 2.13 of the Code sets out the time zones during which 'PG' classified programs may be broadcast, and states:

2.13 **Parental Guidance Recommended ("PG") classification zones**

Weekdays (schooldays)	5.00am - 6.00am
	8.30am - 12.00 noon
	3.00pm - 4.00pm
	7.30pm - 8.30pm
Weekdays (school holidays)	5.00am - 6.00am
	8.30am - 4.00pm
	7.30pm - 8.30pm
Weekends	5.00am - 6.00am
	7.30pm - 8.30pm

In "PG" zones, only material classified "PG", "G", "C" and "P" may be broadcast (though note exemptions in Clause 2.5).

The program was classified 'PG' and broadcast between 7.30pm and 8.30pm, i.e. during a 'PG' classification zone.

THE COMPLAINT

In a letter of complaint to HSV-7 the complainant wrote:

The most recent example (*of violence on television*) is a program called FX The Series which was shown at 8pm. My six year old grandson, switching from the cricket during a break, stumbled upon a most violent bar-room scene which showed several men engaged in an all-in brawl which featured vicious punching and kicking, much blood and close-ups of injuries.

The letter of complaint to the ABA also stated:

The central point of my objection is that the episode specifically included explicit violence in the form of a bloody bar room fight. Hence I cannot accept the view of the censor that the program warranted a PG classification, nor can I accept HSV7's arrogant rejection of my concern.

LICENSEE'S COMMENTS

In a letter to the ABA dated 4 March 1998 the Seven Network wrote:

HSV 7 believes that the "bar-room scene" was appropriately classified 'PG' and in arriving at this view HSV notes that:

- The bar room fight scene is initiated by two female characters "staging" a fight to divert attention, the shots are dominated by this pretend brawl:
- The action then cuts to a wide view of the bar where the majority of the bar's patrons can be seen at a distance to be participating in a brawl. Whilst there is fighting in this scene background music gives the overall flavour of a slap-stick comedy sketch;
- While the complainant objects to a "bloody bar room fight" in fact the only time blood is viewed occurs at the end of the scene where there is a trickle of blood on the face of one man.

HSV 7 considers that the violence depicted was inexplicit and discreet (it was either "staged" or seen from a distance) and that it was stylised as the scene was created with an underlying "slap-stick" theme.

DISCUSSION

Whilst the ABA agrees with the Seven Network that the scene involving a bar-room brawl was not overly bloody or horrific, the ABA is of the opinion that this scene was neither inexplicit, discreet nor stylised. The reasons for this opinion are set out under the above three criteria, at least one of which must be satisfied for Code 2.12.1 to be complied with.

Inexplicit

The violence could not be said to be inexplicit as it was clearly depicted rather than implied. Whilst the fight between the two females was obviously 'staged' by the protagonists to divert attention, the viewer was left in no doubt that the brawl which ensued between the other patrons in the bar was very real. The lighting made the fighting clear and unambiguous; the heightened sound effects of punches and kicks landing and glass and furniture breaking also added to the explicitness of the action taking place.

Discreet

The ABA cannot agree with the Seven Network when it states that the brawl was only seen at a distance. The brawl sequence contained several shots where the fighting between bar patrons was shown in close-up and was the dominant image. The Macquarie Dictionary defines discreet as 'circumspect' and 'restrained'. However, the actions of the men fighting in the bar could not be said to be either circumspect or restrained, the kicks and the punches thrown were clearly delivered forcefully and with the intention of inflicting harm and causing injury.

In commenting on the ABA's preliminary report HSV-7 disputed the ABA's finding on this matter stating:

...the impact of the kicks and punches takes place off-screen and there is no "intention of inflicting harm and causing injury" apparent nor can such an intention be implied.

The ABA does not accept HSV-7's view and stands by its initial assessment that the kicks and punches were clearly delivered forcefully with the intention of inflicting harm.

Stylised

The Macquarie Dictionary defines the word stylise as 'to bring into conformity with a particular style, as of representation or treatment in art; conventionalise'.

The ABA does not believe that this word could be applied to the scene in question, which was realistic in nature and involved ordinary people in an ordinary and realistic setting (a down-town bar). The scene and indeed the entire program did not contain any element of fantasy or of the extraordinary. In the opinion of the ABA the music which formed part of the sound track during this scene did not detract from the overall violent images which dominated parts of the scene and which were realistically depicted.

In commenting on the ABA's preliminary report HSV-7 argued that:

The scene involving the fight in the bar was depicted in conformity with a particular style and convention - the "western bar fight". Countless old black and white westerns include the "bar room brawl" convention - punches are thrown, people "skid" along the bar top and someone goes into a stack of glasses or bottles or even the bar's mirror. Typically these westerns are classified "G" - the bar room brawl and even the gunfighting are stylised. Similarly this brawl was stylised - punches are swung but they are not seen to "connect" and there is minimal blood. The "fight" is fast paced piece of choreographed mayhem with no one seriously hurt or seriously wounded.

The ABA does not concur with HSV-7's assessment. The scene does not take place in a western setting but in an ordinary downtown bar in a time far removed in time from the conventional 'western bar fight'. Many of the punches and kicks are clearly seen to connect. Further, the ABA is of the view that there is no evidence that no one was seriously hurt or seriously wounded as the aftermath of the brawl was not shown.

HSV-7 also stated:

HSV rejects any suggestion that the scene in question was "completely realistic" and "realistically depicted". If this scene was in fact depicted realistically, there would be visible signs of wounding - broken bones and blood and cries of pain.

The ABA notes these comments and concedes that the scene was not 'completely realistic' in that it was not overly bloody or horrific. However, the ABA stands by its view that the scene was realistic in nature and that the music accompanying the scene did not detract from the violent images which dominated parts of the scene.

CLASSIFICATION CONSIDERATIONS

The ABA is also concerned to note that in a program shown at 7.30pm, when many children would still be watching television (particularly as this episode was broadcast during the summer school holidays), the light-hearted background music, which is at variance with the violent action taking place, would be likely to give some children the impression that a brawl is a light-hearted and 'fun' activity.

In commenting on the ABA's preliminary report HSV-7 argued that:

Taken literally this statement would preclude many traditional forms of farce and satire from ever being suitable for viewing by children...

HSV-7 also used 'The Three Stooges' and 'Batman' as examples of television programs which employ heightened or unrealistic sound effects and a lighthearted background score. However, the ABA is of the view that the low level of realism in 'The Three Stooges' and 'Batman' and overall nature of the programs is an important consideration on this matter. 'FX The Series' is not a comedy or satire, the characters being ordinary people depicted in ordinary situations.

Section 2.4 of the Code, which deals with classification considerations, states that the time of day at which the program is to be broadcast and the likely composition of the audience are important considerations when determining a program's classification. The ABA believes that in this instance the likely composition of the viewing audience and the time that it was broadcast should have been given greater consideration when determining the episode's content and classification.

CONCLUSION

For the above reasons the ABA finds that the segment in question breached section 2.12.1 of the Code.

ACTION TAKEN

HSV-7 has not advised the ABA as to what action it will take to prevent future similar breaches of the Code resulting from the ABA's finding with regard to this matter. The ABA will be following up this matter with HSV-7.

DECISION

I, Jonquil Ritter, Acting Director Policy and Content Regulation Branch, being the appropriate delegated officer of the Australian Broadcasting Authority, determine that on 14 January 1998 the licensee of commercial television station HSV-7, HSV Channel 7 Pty Ltd, breached section 2.12.1 of the Commercial Television Industry Code of Practice in that an episode of the 'PG' classified program 'FX The Series' broadcast by HSV-7 contained a scene in which the violence depicted was neither inexplicit, discreet nor stylised.

Signed: -----
Jonquil Ritter

dated this day of June 1998